

REMARKS

The Office Action mailed September 14, 2005, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-44 are pending in this Application. By this Amendment claims 1, 3-6, 13, 16-19, 25, 26, 28-30, 31, 35, 37, 38 and 40 have been amended. Claims 20 and 21 have been cancelled. The claims under consideration are, therefore, believed to include claims 1-19 and 22-44.

Claim Rejections Under 35 USC § 112, Second Paragraph

Claims 3-6, 13, 25-26, 28-29, 31, 35 and 37-38 stand rejected under 35 USC § 112, second paragraph as being indefinite.

The Office states that claim 3-6 have no antecedent basis in claim 1. By this amendment, claims 3-6 have been amended to change their dependence to claim 2.

The Office states that claim 13 contains improper Markush language. Claim 13 has been amended to reflect proper Markush language.

The Office states that in claims 25 and 26, is not defined what makes a mixer suitable for the claimed process. The subject claims have been amended to remove the word "suitable."

The Office finds claims 28 -29 and 37 - 38 indefinite because one with ordinary skill in the art would not know which additives could be used in the claimed

composition. The subject claims have been amended to remove reference to the additives.

The Office finds claims 31 and 35 indefinite for the word "type". Claims 31 and 35 have been amended to remove the phrase "of the type".

In view of the above, it is respectfully contended that the 35 USC § 112, second paragraph, rejections have been overcome.

Allowable Subject Matter

The Office states that claims 16-19 and 40 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 16-19 and 40 have been rewritten in independent form.

Claims 25, 26, 29 and 38 are indicated by the Office as being allowable if rewritten to overcome the rejections under 35 USC § 112, second paragraph, and to include all limitations of the base claim and any intervening claims. Claims 25 and 26 have been rewritten in independent form and have overcome the § 112, second paragraph, rejection.

In addition, the Office will note that independent claim 1 has been amended to include the subject matter of claims 17-19. Specifically, Applicants' independent claim 1 now recites that the at least one binder is selected a the Markush group including all of the subject matter of claims 17-19.

Claim Rejections Under 35 USC § 102

Paragraph 8, 10 and 12 of the Office Action set forth rejections of various claims under § 102(b or e). In view of the amendment to independent claim 1, namely the importation of allowable subject matter therein, it is respectfully contended that all § 102 rejections have been overcome. Therefore, claim 1, and all

claims depending there from, are not anticipated by any of the references cited in the rejections.

Claim Rejections Under 35 USC § 103

Paragraph 16 of Office Action contains a rejection under § 103(a) over various references. Given the amendment to claim 1, it is respectfully contended that claim 1 and all claims depending there from, are not made obvious by any combination of the cited references.

In view of the forgoing amendments and remarks, the present application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,



Anthony A. Bisulca
Attorney for Applicant
Registration No. 40,913

(CUSTOMER NUMBER 25,255)

Clariant Corporation
Industrial Property Department
4000 Monroe Road
Charlotte, North Carolina 28205
Phone: (704) 331-7151
Fax: (704) 331-7707